

Gilmore 1999-0225

REMARKS

Claims 1-13 and 5-10 were rejected under 35 USC 102(e) as being anticipated by Brownell, US Publication No.2002/0169980. Applicants respectfully traverse on two grounds.

35 USC 102(e) disallows granting of a patent on an invention "described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the application for patent..." (emphasis supplied). Since the cited publication is NOT a "patent granted," 35 USC 102(e) does not apply and, therefore, cannot be used to reject the instant claims. Moreover, as a publication, under 35 USC 102(a) and 35 UCS 102(b), the reference is also inapplicable because its publication date is November 14, 2002, which is later than the filing date of the instant application.

This matter was brought to the attention of the Examiner in a November 12, 2003 telephone interview. The Examiner conferred with the Primary Examiner and kindly called back on the same day, citing MPEP 2136.03, sub-section III, in support of the assertion that the citation is proper. The Examiner's prompt response is greatly appreciated.

MPEP 2136.03 (III) deals with "Priority from Provisional Application Under 45 USC 119(e)," and the text therein points to MPEP 708.02(f)(1) examples 5 to 9. The undersigned reviewed all of these examples, as well as examples 1-5, and notes that all of the examples involve patent applications that **matured into a patent**.

Actually, examples 1 and 2 in the MPEP appear closer to the case at hand than examples 5 to 9, but those examples also involve an application that matures into a patent.

The situation at hand is quite simple. The application has **not** matured into a patent. Hence, the publication of the patent application is not any more effective than any other publication, and it is respectfully submitted, therefore, that the critical date of the cited patent application publication is the date of its publication.

Applicants note that the cited publication might (in the future) become a granted patent, at which point it will be available to the Examiner as a reference with an effective

Gilmore 1999-0225

being the filing date, exactly as the Examiner applied the reference. However, at this time there is no assurance that the cited publication will ever mature into a patent and, therefore, the reference is not available to the Examiner.

Nevertheless, because it is possible that the reference will mature into a granted patent, applicants address the substance of the matter described in the cited publication.

Based on a review of the publication's teachings, applicants respectfully traverse the rejection.

The Brownell publication describes an arrangement where a data channel is established between an external host (that is, external to a sub-network of a network that is protected from the remainder of the network by a firewall) and an internal host (that is, internal to the sub-network) by using two connections. One connection is established between the external host and the firewall, and the other connection is established between the firewall and the internal host. These connections are made secure by employing the SSL protocol. Operationally, a user gets authenticated by accessing the firewall through a separate channel (see channel 342 in FIG. 3 of the reference), providing the firewall with necessary information, and letting the firewall authenticate the user. Once the user is authenticated, the firewall accesses a database from where it retrieves tunnel configuration data for the user, and sends that data to the user through the above-mentioned separate channel. That information is provided to a socket generator within the user's equipment, which generates an appropriate socket for the data channel. This provides a tunnel from the external host to the firewall. By a similar process a tunnel established from the firewall to the internal host. Once the tunnels are established, data can flow between the external and internal hosts in a secure manner, and unimpeded, because the user has been authenticated.

It is noted that the Brownell publication describes no proxy outside, or external to, the firewall, and no proxy inside, or internal to, the firewall. Since claim 1 (even prior to its amendment) specified a first proxy that is outside the firewall, and a second proxy that is inside the firewall, the conclusion must be reached that claim 1 is not anticipated by the Brownell publication.

The fact that two distinct proxies are specified in applicants' claims is important because typical firewalls employ connection policies that disallow requests from anything

Gilmore 1999-0225

outside the firewall, and that includes requests from the first proxy. Conversely, typical firewall policies allow requests from inside the firewall, and that includes requests from the second proxy. The Brownell publication violates this general firewall approach by a) allowing a client to initiate access the firewall through the login channel and b) by allowing the setup of a connection, and a then the establishment of a tunnel to the firewall, initiated from outside the firewall. It is a "saving grace" that the connection is to the firewall itself at first (rather than to a host in the sub-network inside the firewall, so it can be controlled, but the fact that the connection is initiated at the behest of a device outside the firewall is problematic from a security standpoint. The paragraph cited by the Examiner (paragraph 62) supports applicants' position.

Aside from specifying the inside and outside proxies, amended claim 1 specifies that the control channel is one that was "previously established by a second proxy inside said firewall" (emphasis supplied). This is not the case in the Brownell publication and, therefore, claim 1 is not anticipated by the publication.

Amended claim 1 also specifies that the second proxy carries out the authentication of the client. This is different from the Brownell teaching, where the authentication is performed within the firewall.

Amended claim 1 further specifies that a data connection with the first proxy is established by the second proxy – which is inside (i.e., behind) the firewall. This, too, is different from the Brownell teaching, where (as discussed above) the data connection is established by the host outside the firewall initiating the process, and the connection-establishment process is carried out by both the firewall itself and the outside host.

In light of the above numerous patentable differences, applicants respectfully submit that amended claim 1 is clearly not anticipated or rendered obvious by the Brownell publication. Claims 2-3 and 5-10 depend on claim 1 and are, therefore, believed patentable for the reasons expressed in connection to claim 1.

Claims 4 and 11-13 were rejected under 35 USC 103(a) as being unpatentable over Brownell in view of Malcolm US Patent 6,256,631. Applicants respectfully traverse.

The Examiner asserts that Malcolm teaches the automatic creation of hyperlinks, and citing col. 5, lines 22-42 the Examiner asserts that Malcolm "teaches translating the

Gilmore 1999-0225

hyperlinks in the document into references.” Applicants respectfully disagree. The cited passage begins with “Once the hyperlink is located,” so it is necessary to know what hyperlink is being referred to. Therefore, the following quotes col. 5, lines 16-42:

In this example, the Hertz Corp. v. Avis Inc. citation 81 signifies the title for the modified document. The title U.S. District Court Southern District of New York 83 could provide the subdirectory in which this document could be placed, e.g., /cases/sdny/.

Once the hyperlink is located, the next part of the invention is to generate a valid web URL from the text associated with the structural indicator. One typical rule in the case of a court opinion might be to convert the period and space to underscores and then add underscore court case .HTML to the stream. Therefore, a typical hyperlink to a URL would be:

`XXXX v. YYYY`

Other hyperlink rules for other types of documents and hyperlinked text could be variants of this rule. Note that the rules for creating the URLs and the titles of the web pages are identical in the preferred embodiment. Assuming that one has created or will create a web page with the title to which the newly created hyperlink is pointing, the hyperlinks will be easily resolved. Where an existing web page with an existing URL will be used as a target, either knowledge of the URL or the matching algorithm of FIG. 4 could be used to change the hyperlink text to the proper URL.

As applicants understand this passage, by extrinsic means it is known that a “structural indicator” such as “Hertz Corp. v. Avis Inc.” should be converted to a hyperlink that begins with “/case/sdny.” Once this hyperlink prefix is located, a valid URL is created for the structural indicator. The remainder of the passage describes how it can be accomplished in accordance with one rule, and mentions that other hyperlink rules, for other types of documents and hyperlinked text, can employ a rule that is a variant of the described rule.

The bottom line is that the Malcolm reference teaches the creation of a hyperlink from recognized “structural indicators” that are found in the considered text. Malcolm does not teach, or suggest, the translation of one hyperlink to another hyperlink.

In contradistinction, claim 4 specifies that the second proxy (that is, the proxy inside the firewall) translates hyperlinks in the document into references that are “directed to and interpreted by the second proxy.” That is, claim 4 specifies that all hyperlinks that are found in the document are modified by the second proxy to point to

Gilmore 1999-0225

the second proxy. No such action takes place in Malcolm, or in Brownell, or in the combination of Brownell and Malcolm. Additionally, claim 4 specifies that when such a translated hyperlink is referenced (i.e. directing a request to the second proxy), it is translated by the second proxy. This, too, is not described or suggested by Malcolm, by Brownell, or by the combination of Brownell and Malcolm. Therefore, it is respectfully submitted that claim 4 is not obvious in view of the Brownell taken together with Malcolm. This conclusion is independent of the above-presented arguments regarding the patentability of claim 1 over Brownell.

As for claim 11, the Examiner makes the same argument regarding the Malcolm teachings that he made relative to claim 4, and applicants respectfully direct the Examiner's attention to the arguments presented in connection with claim 4. Applicants respectfully submit that for the reasons expressed above claim 11 is not obvious in view of the Brownell and Malcolm combination of references. Claims 12-13 are dependent on claim 11.

New claims 14-22 are introduced. Applicants believe that these claims are patentable over the known prior art.

In light of the above amendments and remarks, applicants respectfully submit that all of the Examiner's rejections have been overcome. Favorable consideration of the outstanding claims and allowance of same are respectfully solicited.

Respectfully,
Christian A. Gilmore
David P. Kormann
Aviel D. Rubin

Dated: 11/12/03

By Henry T. Brendzel

Henry T. Brendzel
Reg. No. 26,844
Phone (973) 467-2025
Fax (973) 467-6589
email brendzel@comcast.net